

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DENVER MCFADDEN,

Plaintiff,

v.

CITY OF NEW YORK, et al.,

Defendants.

19-CV-5508 (DEH)

ORDER

DALE E. HO, United States District Judge:

On April 5, 2024, Defendants filed a request for a discovery conference to discuss an anticipated motion to compel plaintiff to provide certain discovery responses. ECF No. 114. On April 8, 2024, the Court ordered Plaintiff to respond to Defendants' letter by April 19, 2024, and ordering that a discovery conference would take place on April 26, 2024, which it subsequently adjourned to May 3, 2024. ECF Nos. 115, 117.

On May 2, 2024, nearly two weeks after Plaintiff's deadline to file a response to Defendants' letter had passed, the Court ordered the Plaintiff to submit a response by May 10, 2024, and again warned him that failure to take action in this case may result in its dismissal. ECF No. 118. The Court adjourned the discovery conference to May 16, 2024. *See id.*

Plaintiff's deadline to respond to City Defendants' discovery letter has once again passed, and the Court is not in receipt of any submission by Plaintiff. In light of Plaintiff's continued refusal to comply with the Court's orders, the conference scheduled to take place on May 16, 2024, is hereby **CANCELED**, and Plaintiff is **ORDERED** to provide satisfactory discovery responses and executed releases to the City Defendants by **May 17, 2024**. Failure to comply with this Court's Order by that date shall be deemed a failure to prosecute and will result in the **dismissal** of Plaintiff's case. *See* ECF No. 110 (warning plaintiff that failure to prosecute his

case may result in dismissal of his claims); *Andretta v. City of New York*, No. 21 Civ. 5783, 2022 WL 4237125, at \*2 (S.D.N.Y. Sept. 14, 2022) (“Plaintiff’s failure to prosecute this action, to respond to requests for discovery despite an Order by this Court compelling him to respond to those requests, or to appear at a Court conference despite a warning that such a failure to do so may lead to dismissal of his case demonstrate that any lesser sanction than dismissal would be an exercise in futility.” (cleaned up)).

SO ORDERED.

Dated: May 13, 2024  
New York, New York

A handwritten signature in black ink, appearing to read 'Dale Ho', is written above a horizontal line.

DALE E. HO  
United States District Judge